IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	**8:04CR516**
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
RONNEY BROWN,	)	
	)	
Defendant.	)	

This matter is before the court on the motion to continue by defendant Ronney Brown (Brown) (Filing No. 21). Brown seeks a continuance of the trial of this matter in order to retain his own counsel. The court held a hearing on the motion on September 6, 2005. Brown was present with his appointed counsel Barbara Thielen. The United States was represented by Assistant U.S. Attorney Joe Stecher.

The government had no objection to the motion. Brown explained he needed further time to obtain the retainer in this matter. Brown acknowledged he understood the additional time would be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Brown's motion to continue trial (Filing No. 21) is granted.

2. Trial of this matter is re-scheduled for **December 5, 2005,** before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 6, 2005 and December 5, 2005,** shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's new counsel will require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Unless newly retained counsel enters an appearance in this matter by September 22, 2005, the defendant shall appear before the undersigned magistrate judge at **9:00 a.m. on September 23, 2005**, in Courtroom No. 7 for the purpose of a status hearing on his efforts to retain counsel.

DATED this 6th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge